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02 APR 20 2010

03 AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY 04 DEPUTY



09-CV-00505-ORD

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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 LONNIE RAY CARTER,) CASE NO. C09-0505-MJP-MAT
10 Plaintiff,)
11 THOMAS C. PAYNTER, et al.,) ORDER GRANTING MOTION TO
12 Defendants.) DISMISS AND DISMISSING § 1983
) ACTION AS TO DEFENDANT
) KERLIKOWSKE
)
13)

14 The Court, having reviewed the Report and Recommendation of the Honorable Mary
15 Alice Theiler, United States Magistrate Judge, and the balance of the record, does hereby find
16 and ORDER:

17 (1) The Court adopts the Report and Recommendation;
18 (2) Defendant Kerlikowske's motion to dismiss (Dkt. 93) is GRANTED;
19 (3) The complaint and this action are DISMISSED with prejudice as to defendant
20 Kerlikowske; and
21 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
22 Theiler.

ORDER GRANTING MOTION TO DISMISS AND DISMISSING
§ 1983 ACTION AS TO DEFENDANT KERLIKOWSKE
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DATED this 20 day of April, 2010.

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MARSHA J. PECHMAN
United States District Judge

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